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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

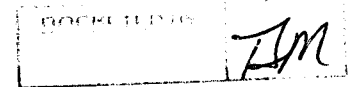
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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 16 2012



IN THE MATTER OF THE APPLICATION  
OF THE CITY OF CHANDLER TO UPGRADE  
AN EXISTING CROSSING OF THE UNION  
PACIFIC RAILROAD AT OCOTILLO ROAD  
IN THE CITY OF CHANDLER, MARICOPA  
COUNTY, ARIZONA, USDOT NO. 741-680-T.

DOCKET NO. RR-03639A-12-0433

**AMENDED**  
**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On October 9, 2012, the City of Chandler ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Ocotillo Road in the City which is located in Maricopa County, Arizona at USDOT No. 741-680-T ("Application").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the City of Chandler shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **December 10, 2012, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, **the CITY OF CHANDLER SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

1 IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall  
 2 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of  
 3 them with Docket Control on or before 4:00 p.m. on **November 30, 2012**.

4 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
 5 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
 6 **December 7, 2012**.

7 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
 8 105, except that all motions to intervene must be filed on or before **November 16, 2012**.

9 IT IS FURTHER ORDERED that **the City of Chandler** shall provide **public notice** of the  
 10 hearing in this matter, in the following form and style:

11 **IN THE MATTER OF THE APPLICATION OF THE**  
 12 **CITY OF CHANDLER TO UPGRADE AN EXISTING CROSSING OF THE**  
 13 **UNION PACIFIC RAILROAD AT OCOTILLO ROAD IN THE CITY OF**  
 14 **CHANDLER, MARICOPA COUNTY, ARIZONA, USDOT NO. 741-680-T.**  
 15 **(DOCKET NO. RR-03639A-12-0433)**

16 On October 9, 2012, the City of Chandler ("City") filed with the Arizona Corporation  
 17 Commission ("Commission") an application for approval for the Union Pacific  
 18 Railroad ("Railroad") to upgrade an existing crossing at Ocotillo Road in the City  
 19 which is located in Maricopa County, Arizona at USDOT No. 741-680-T.

20 The application is available for inspection during regular business hours at the  
 21 Commission's offices, 1200 West Washington Street, Phoenix, Arizona, and on the  
 22 internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

23 The Commission will hold a hearing on this matter commencing on **December 10,**  
 24 **2012, at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,  
 25 Room 100, Phoenix, Arizona. Public comments will be taken on the first day of the  
 26 hearing.

27 The law provides for an open public hearing at which, under appropriate  
 28 circumstances, interested parties may intervene. Intervention shall be permitted to  
 any person entitled by law to intervene and having a direct and substantial interest in  
 the matter. Persons desiring to intervene must file a written motion to intervene with  
 the Commission, which motion should be sent to Applicant or its counsel and to all  
 parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of  
 any party upon whom service of documents is to be made if different than the  
 intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
 a customer of Railroad, a neighboring property owner, a crossing user, etc.).

- 1           3.       A statement certifying that a copy of the motion to intervene has been mailed  
2                   to the Applicant or its counsel and to all parties of record in the case.

3       The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
4       that all motions to intervene must be filed on or before November 16, 2012. The  
5       granting of intervention, among other things, entitles a party to present sworn  
6       evidence at hearing and to cross-examine other witnesses. However, failure to  
7       intervene will not preclude any customer from appearing at the hearing and making a  
8       statement on such customer's own behalf.

9       If you have any questions about this application, you may contact the applicant at  
10       [insert telephone number]. If you wish to file written comments on the application  
11       or want further information on intervention, you may write the Consumer Services  
12       Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call  
13       602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

14       The Commission does not discriminate on the basis of disability in admission to its  
15       public meetings. Persons with a disability may request a reasonable accommodation  
16       such as a sign language interpreter, as well as request this document in an  
17       alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone  
18       number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as  
19       early as possible to allow time to arrange the accommodation.

20       IT IS FURTHER ORDERED that **the City of Chandler** shall cause the above notice to be  
21       published at least once in a newspaper of general circulation in the city/county where the crossing is  
22       located, with **publication to be completed no later than November 2, 2012**.

23       IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
24       mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
25       the notice.

26       IT IS FURTHER ORDERED that **THE CITY OF CHANDLER SHALL FILE**  
27       **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**  
28       **SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been  
29       completed.

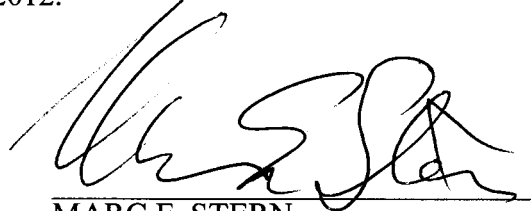
30       IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
31       Communications) applies to this proceeding as the matter is now set for public hearing

32       IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules  
33       of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission  
34       *pro hac vice*.

35       IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,

amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 16<sup>TH</sup> day of October, 2012.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 16<sup>TH</sup> day of October, 2012 to:

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By:   
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Secretary to Marc Stern